

BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

ROBERT "BOB" BURNS – Chairman
BOYD DUNN
SANDRA D. KENNEDY
JUSTIN OLSON
LEA MÁRQUEZ PETERSON

IN THE MATTER OF THE APPLICATION OF
ARIZONA PUBLIC SERVICE COMPANY FOR A
HEARING TO DETERMINE THE FAIR VALUE OF
THE UTILITY PROPERTY OF THE COMPANY
FOR RATEMAKING PURPOSES, TO FIX A JUST
AND REASONABLE RATE OF RETURN
THEREON, TO APPROVE RATE SCHEDULES
DESIGNED TO DEVELOP SUCH RETURN.

DOCKET NO. E-01345A-19-0236

PROCEDURAL ORDER**BY THE COMMISSION:**

On October 1, 2019, Arizona Public Service Company ("APS") filed with the Arizona Corporation Commission ("Commission") a Notice of Intent to File a Rate Case Application and Request to Open Docket. As a result, this docket was opened.

On October 31, 2019, APS filed its Rate Application.

On November 29, 2019, the Commission's Utilities Division ("Staff") filed a Letter of Sufficiency, stating that APS's rate application had met the sufficiency requirements as outlined in Arizona Administrative Code ("A.A.C.") R14-2-103(B)(7) and that APS had been classified as a Class A Utility.

On December 19, 2019, a Rate Case Procedural Order was issued setting the hearing for this matter to begin on July 17, 2020, and establishing additional dates and procedural requirements.

On February 25, 2020, a Procedural Order was issued setting public comment proceedings to be held in Douglas, Flagstaff, Yuma, and Phoenix, Arizona, in June 2020 and requiring APS to provide notice of those public comment proceedings.

On March 18, 2020, a Procedural Order was issued that, *inter alia*, vacated the previously established hearing dates, except that July 17, 2020, at 10:00 a.m. was retained for public comment only; rescheduled the hearing to commence on September 30, 2020, in response to a Staff Motion; and

1 extended the time clock for this matter by 79 calendar days.

2 On April 6, 2020, APS filed documentation establishing that the required notice of the June
3 2020 public comment meetings had been provided by mail, publication, and posting.

4 On April 23, 2020, a Procedural Order was issued that canceled the public comment meetings
5 scheduled to be held in June 2020 due to the COVID-19 pandemic; scheduled telephonic public
6 comment meetings to be held on July 27 and 28, 2020; ordered that the public comment meeting
7 scheduled to be held on July 17, 2020, proceed telephonically only; ordered APS to provide prescribed
8 notice of the changes to the public comment meetings by mail and newspaper publication by May 22,
9 2020, and by posting on the APS website by May 4, 2020; and required APS to file an Affidavit of
10 Mailing, Publication, and Posting by June 8, 2020.

11 On April 27, 2020, APS filed a Motion to Extend Deadline to Complete Notice, requesting to
12 extend the May 22, 2020, deadline to complete the notice to June 1, 2020.

13 On April 28, 2020, by Procedural Order, APS's request to extend the deadline to complete
14 notice was granted only as to mailing.

15 Additional procedural history is available in prior Procedural Orders.

16 The following parties are currently intervenors in this matter:

| Intervenor Name ("Shortened Name") | "Group Name" (if applicable) |
|--|---------------------------------|
| Richard Gayer | |
| The Kroger Co. ("Kroger") | |
| Southwest Energy Efficiency Project ("SWEEP") | |
| Western Resource Advocates ("WRA") | |
| Freeport Minerals Corporation ("Freeport") | |
| Arizonans for Electric Choice and Competition ("AECC") | |
| Residential Utility Consumer Office ("RUCO") | |
| The Property Owners and Residents Association of Sun City West ("PORA") | |
| Arizona Competitive Power Alliance ("ACPA") | |
| Wildfire | |
| Solar Energy Industries Association ("SEIA") | |
| Arizona Solar Energy Industries Association ("AriSEIA") | |
| Arizona School Boards Association ("ASBA") | |
| Arizona Association of School Business Officials ("AASBO") | |
| Vote Solar | |

| | | |
|----|---|------------------|
| 1 | International Brotherhood of Electrical Workers, AFL-CIO, Local 387 ("Local 387") | "IBEW Locals" |
| 2 | International Brotherhood of Electrical Workers, AFL-CIO, Local 769 ("Local 769") | |
| 3 | Aguila Irrigation District ("AID") | "Districts" |
| 4 | Buckeye Water Conservation and Drainage District ("BWCDD") | |
| 5 | Electrical District Number Six of Pinal County ("ED6") | |
| 6 | Electrical District Number Seven of Maricopa County ("ED7") | |
| 7 | Electrical District Number Eight of Maricopa County ("ED8") | |
| 8 | Harquahala Valley Power District ("HVPD") | |
| 9 | Maricopa County Municipal Water Conservation District Number One ("MWD") | |
| 10 | McMullen Valley Water Conservation & Drainage District ("MVWCDD") | |
| 11 | Tonopah Irrigation District ("TID") | |
| 12 | Sierra Club | |
| 13 | Shelly A. Kaner | |
| 14 | Patricia Madison | |
| 15 | Jonathan Jones | |
| 16 | Federal Executive Agencies ("FEA") | |
| 17 | John Thornton | |
| 18 | San Juan Citizens Alliance ("SJCA") | "Citizen Groups" |
| 19 | Tó Nizhoní Ání ("TNA") | |
| 20 | Diné CARE ("DC") | |
| 21 | Walmart Inc. ("Walmart") | |
| 22 | Navajo Nation ("Nation") | |
| 23 | Tesla, Inc. ("Tesla") | |
| 24 | Calpine Energy Solutions, LLC ("Calpine") | |
| 25 | Constellation NewEnergy, Inc. ("Constellation") | |
| 26 | Direct Energy Business, LLC ("Direct Energy") | |
| 27 | ChargePoint, Inc. ("ChargePoint") | |
| 28 | Arizona Solar Deployment Alliance ("ASDA") | |
| | AARP | |
| | EVgo Services LLC ("EVgo") | |
| | Distributed Energy Resource Association ("DERA") | |

On May 11, 2020, Karen S. White, as local counsel for FEA, filed a Motion to Associate Counsel Pro Hac Vice for Maj. Scott L. Kirk and Capt. Robert J. Friedman, requesting that Maj. Kirk and Capt. Friedman be permitted to appear before the Commission as counsel *pro hac vice* for FEA in this matter. FEA attached to its Motion Verified Applications for Appearance *Pro Hac Vice*, a Certificate of Good Standing for Maj. Kirk from the Supreme Court of Hawaii and a Certificate of

1 Good Standing for Capt. Friedman from the Supreme Court of Missouri, and a Notice of Receipt of
2 Complete Applications from the State Bar of Arizona as to each.

3 Because Maj. Kirk and Capt. Friedman have completed all the necessary steps to be admitted
4 *pro hac vice* in this matter on behalf of FEA, in the discretion of the Commission, it is just and
5 reasonable to admit Maj. Kirk and Capt. Friedman *pro hac vice* in this matter as counsel for FEA.

6 IT IS THEREFORE ORDERED that **Scott L. Kirk and Robert J. Friedman** are hereby
7 granted **admission *pro hac vice*** in the above-captioned matter.

8 IT IS FURTHER ORDERED that Scott L. Kirk's address for service of papers and other
9 communication is:

10 Maj. Scott L. Kirk
11 139 Barnes Dr., Suite 1
12 Tyndall AFB, FL 32403

13 IT IS FURTHER ORDERED that Robert J. Friedman's address for service of papers and other
14 communication is:

15 Capt. Robert J. Friedman
16 139 Barnes Dr., Suite 1
17 Tyndall AFB, FL 32403

18 IT IS FURTHER ORDERED that the address for service of papers and other communication
19 for the Arizona-licensed attorney designated as local counsel is:

20 Karen S. White
21 AFIMSC/JAQ
22 139 Barnes Ave.
23 Tyndall AFB, FL 32403

24 IT IS FURTHER ORDERED that any motion, other than a dispositive motion, that is filed in
25 this matter and that is not ruled upon within 20 calendar days of the filing date of the motion shall be
26 deemed denied.

27 IT IS FURTHER ORDERED that any response to a motion other than a dispositive motion
28 shall be filed within seven calendar days of the filing date of the motion.

IT IS FURTHER ORDERED that any response to a dispositive motion shall be filed within 10
calendar days of the filing date of the motion.

1 IT IS FURTHER ORDERED that any reply to a response shall be filed within five calendar
2 days of the filing date of the response.

3 IT IS FURTHER ORDERED that each party or prospective party shall **refer to the**
4 **Commission's website** for information regarding **Global Consent to Email Service¹ and how to**
5 **Follow the Docket.**² Information regarding Global Consent to Email Service and how to Follow the
6 Docket is available on the Commission's website (www.azcc.gov) by clicking on "**Cases and Open**
7 **Meetings**" and then clicking on "**Globally Consent to Email Service**" or "**Follow a Docket or**
8 **Document Type.**"

9 IT IS FURTHER ORDERED that **documents may be eFiled** in this docket and that instructions
10 and restrictions for eFiling are available on the Commission's website at [http://azcc.gov/hearing/efile-](http://azcc.gov/hearing/efile-for-utilities-instruction)
11 [for-utilities-instruction.](http://azcc.gov/hearing/efile-for-utilities-instruction)

12 IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules
13 31, 38, 39, and 42 and A.R.S. § 40-243 with respect to the practice of law and admission *pro hac vice*.

14 IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance
15 with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona
16 Supreme Court Rule 42). Representation before the Commission includes appearances at all hearings
17 and procedural conferences, as well as all Open Meetings for which the matter is scheduled for
18 discussion, unless counsel has previously been granted permission to withdraw by the Administrative
19 Law Judge or the Commission.

20 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized
21 Communications) applies to this proceeding and shall remain in effect until the Commission's Decision
22 in this matter is final and non-appealable.

23 IT IS FURTHER ORDERED that the time periods specified herein shall not be extended
24 pursuant to Rule 6(a)(2) or (c) of the Arizona Rules of Civil Procedure.

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26 _____
27 ¹ Global Consent to Email Service allows a party to consent to receive email service in all cases for which the party is
included on the service list, now or in the future.

28 ² The "Follow a Docket" service allows any person to receive email notice, with a link to the filing, whenever something
is filed in the docket. The service can be used to follow one or many dockets.

1 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend, or
2 waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at
3 hearing.

4 DATED this 13th day of May, 2020.

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6 
7 SARAH N. HARPRING
8 ASSISTANT CHIEF ADMINISTRATIVE LAW JUDGE
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On this 13th day of May, 2020, the foregoing document was filed with Docket Control as a Procedural Order – Admits Attorney Pro Hac Vice, and copies of the foregoing were mailed on behalf of the Hearing Division to the following who have not consented to email service. On this date or as soon as possible thereafter, the Commission's eDocket program will automatically email a link to the foregoing to the following who have consented to email service.

Melissa M. Krueger
 Thomas L. Mumaw
 Theresa Dwyer
 PINNACLE WEST CAPITAL CORPORATION
 400 North 5th Street, MS 8695
 Phoenix, AZ 85004
 Attorney for Arizona Public Service Company
Melissa.Krueger@pinnaclewest.com
Thomas.Mumaw@pinnaclewest.com
Theresa.Dwyer@pinnaclewest.com
Andrew.Schroeder@aps.com
Leland.Snook@aps.com
Rodney.Ross@aps.com
ratecase@aps.com
Consented to Service by Email

Richard Gayer
 526 W. Wilshire Drive
 Phoenix, AZ 85003
rgayer@cox.net
Consented to Service by Email

Patrick J. Black
 Lauren A. Ferrigni
 FENNEMORE CRAIG, P.C.
 2394 E. Camelback Road, Suite 600
 Phoenix, AZ 85016
 Attorneys for Freeport Minerals Corporation
 and Arizonans for Electric Choice and
 Competition
pblack@fclaw.com
lferrigni@fclaw.com
khiggins@energystrat.com
Consented to Service by Email

Kurt J. Boehm
 Jody Kyler Cohn
 BOEHM, KURTZ & LOWRY
 36 E. Seventh Street, Suite 1510
 Cincinnati, OH 45202
 Attorneys for The Kroger Co.
kboehm@BKLawfirm.com
jkylercohn@BKLawfirm.com
Consented to Service by Email

Adam L. Stafford
 P.O. Box 30497
 Phoenix, AZ 85046
 Attorney for Western Resource Advocates
Adam.Stafford@westernresources.org
Steve.Michel@westernresources.org
Stacy@westernresources.org
Autumn.Johnson@westernresources.org
Consented to Service by Email

Daniel W. Pozefsky
 RUCO
 1110 W. Washington Street, Suite 220
 Phoenix, AZ 85007
dpozefsky@azruco.gov
procedural@azruco.gov
jfuentes@azruco.gov
cfraulob@azruco.gov
Consented to Service by Email

Timothy M. Hogan
Jennifer B. Anderson
ARIZONA CENTER FOR LAW IN THE
PUBLIC INTEREST
514 W. Roosevelt Street
Phoenix, AZ 85003

Attorneys for Southwest Energy Efficiency
Project, Wildfire, Solar Energy Industries
Association, Arizona Solar Energy Industries
Association, Arizona School Boards
Association, Arizona Association of School
Business Officials, Vote Solar, Sierra Club, San
Juan Citizens Alliance; Tó Nizhoní Ání; and
Diné CARE

thogan@aclpi.org

janderson@aclpi.org

ezuckerman@swenergy.org

cpotter@swenergy.org

sbatten@aclpi.org

czwick@wildfireaz.org

briana@votesolar.org

louisa.eberle@sierraclub.org

rose.monahan@sierraclub.org

sandy.bahr@sierraclub.org

miriam.raffel-smith@sierraclub.org

mark@sanjuancitizens.org

mike@sanjuancitizens.org

carol.davis@dine-care.org

adella.begaye@dine-care.org

lori.goodman@dine-care.org

robyn.jackson@dine-care.org

nhorseherder@gmail.com

Consented to Service by Email

Bob Miller
Ralph Johnson
Property Owners and Residents
Association of Sun City West
13815 W. Camino del Sol
Sun City West, AZ 85375

bob.miller@porascw.org

rdjscw@gmail.com

Consented to Service by Email

Greg Patterson
MUNGER CHADWICK
5511 S. Jolly Roger Road
Tempe, AZ 85283
Attorney for Arizona Competitive Power
Alliance

greg@azcpa.org

Consented to Service by Email

Court Rich
Eric Hill
ROSE LAW GROUP PC
7144 E. Stetson Drive, Suite 300
Scottsdale, AZ 85251
Attorneys for Solar Energy Industries
Association; Arizona Solar Energy Industries
Association; Tesla, Inc.; and EVgo Services
LLC

CRich@RoseLawGroup.com

ehill@roselawgroup.com

hslaughter@roselawgroup.com

Consented to Service by Email

Nicholas J. Enoch
LUBIN & ENOCH, P.C.
349 N. Fourth Avenue
Phoenix, AZ 85003
Attorney for Local Unions 387 and 769 of the
International Brotherhood of Electrical
Workers, AFL-CIO

nick@lubinandenoch.com

Consented to Service by Email

Jason Y. Moyes
MOYES SELLERS & HENDRICKS LTD.
1850 N. Central Avenue, Suite 1100
Phoenix, AZ 85004
Attorney for Aguila Irrigation District,
Buckeye Water Conservation and Drainage
District, Electrical District Number Six of Pinal
County. Electrical District Number Seven of
Maricopa County, Electrical District Number
Eight of Maricopa County, Harquahala Valley
Power District, Maricopa County Municipal
Water Conservation District Number One,
McMullen Valley Water Conservation &
Drainage District, and Tonopah Irrigation
District

jasonmoyes@law-msh.com

jjw@krsaline.com

jim@harcuvar.com

Consented to Service by Email

Shelly A. Kaner
8831 W. Athens St.
Peoria, AZ 85382

Patricia Madison
13345 W. Evans Drive
Surprise, AZ 85379
Patricia_57@q.com

Consented to Service by Email

Jonathan Jones
14324 N. 160th Drive
Surprise, AZ 85379
jones.2792@gmail.com

Consented to Service by Email

Karen S. White
AFIMSC/JAQ
139 Barnes Ave.
Tyndall AFB, FL 32403

and

Thomas A. Jernigan
Scott L. Kirk
Robert J. Friedman
AFIMSC/JAU

139 Barnes Dr., Suite 1
Tyndall AFB, FL 32403
Attorneys for Federal Executive Agencies

John S. Thornton
8008 N. Invergordon Rd.
Paradise Valley, AZ 85253
john@thorntonfinancial.org

Consented to Service by Email

Scott S. Wakefield
HIENTON CURRY, P.L.L.C.
5045 N. 12th St., Suite 110
Phoenix, AZ 85014

Attorneys for Walmart, Inc.
swakefield@hclawgroup.com
stephen.chriss@walmart.com

Consented to Service by Email

Kimberly A. Dutcher
NAVAJO NATION DEPARTMENT OF
JUSTICE
P.O. Box 2010
Window Rock, AZ 86515
Attorneys for the Navajo Nation
kdutcher@nndoj.org
aquinn@nndoj.org

Consented to Service by Email

Jason R. Mullis
WOOD SMITH BENNING & BERMAN LLP
2525 E. Camelback Rd., Suite 450
Phoenix, AZ 85016-4210

and

Gregory M. Adams
RICHARDSON ADAMS, PLLC
515 N. 27th St.
Boise, ID 83702

Attorneys for Calpine Energy Solutions, LLC
JMullis@wshblaw.com
greg@richardsonadams.com
greg.bass@calpinesolutions.com

Consented to Service by Email

Albert Acken
DICKINSON WRIGHT PLLC
1850 N. Central Ave., Suite 1400
Phoenix, AZ 85004
Attorneys for Constellation New Energy, Inc.
and Direct Energy Business, LLC
aacken@dickinson-wright.com

Consented to Service by Email

Giancarlo Estrada
KAMPER ESTRADA, LLP
3030 N. 3rd St., Suite 770
Phoenix, AZ 85012
Attorney for ChargePoint, Inc.

gestrada@phxlaw.com

Consented to Service by Email

Gary D. Hays
LAW OFFICES OF GARRY D. HAYS, P.C.
2198 E. Camelback Road, Suite 230
Phoenix, AZ 85016
Attorney for Arizona Solar Deployment
Alliance

Ghays@lawgdh.com

Consented to Service by Email

Armando Nava
THE NAVA LAW FIRM, PLLC
1641 E. Osborn Rd., #8
Phoenix, AZ 85016

and

John B. Coffman
JOHN B. COFFMAN LLC
871 Tuxedo Blvd.
St. Louis, MO 63119
Attorneys for AARP

Filings@navalawaz.com

john@johncoffman.net

Consented to Service by Email

1 Thomas A. Harris
2 Distributed Energy Resource Association
3 5215 E. Orchid Lane
4 Paradise Valley, AZ 85253
5 Thomas.Harris@DERA-AZ.org

6 **Consented to Service by Email**

7 Robin Mitchell, Director
8 Legal Division
9 ARIZONA CORPORATION COMMISSION
10 1200 West Washington Street
11 Phoenix, AZ 85007
12 LegalDiv@azcc.gov
13 utildivservicebyemail@azcc.gov

14 **Consented to Service by Email**

15 COASH & COASH, INC.
16 Court Reporting, Video and
17 Videoconferencing
18 1802 North 7th Street
19 Phoenix, AZ 85006

20 **Emailed as a courtesy**

21 By:

22 
23 Grace Beltran
24 Assistant to Sarah N. Harpring
25
26
27
28